

February 27, 2013

PUBLIC SAFETY COMMITTEE REPORT

A Public Safety Committee meeting was held on Wednesday, February 27, 2013 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas

Committee Members Present: Carr, McKenzie, K. Harrison. Adams, Sandlin, Meyers

Others Present: County Judge Robert Clinard, JP's Moehring and Jones, County Attorney George Spence, Comptroller Sarah Daniels, and Administrator of Public Safety Marshal Watson

Media: Tom Sissom

JP Carr called the meeting to order at 6:00 p.m.

JP Carr recognized Centerton Mayor Bill Edwards, Sulphur Springs Mayor Bobby Simons, and Garfield Mayor Laura Hamilton and thanked them for attending the meeting.

Public Comments

None

Presentation: Funding for Constables – Constable Keith Brummett

Keith Brummett, Constable of Township 2, stated the Finance Committee referred this funding request for the Constables to the Public Safety Committee. He stated that Sheriff Cradduck is willing to work with the Constables, and that Sheriff Cradduck has offered, with the Judge's blessing to donate used patrol units to the constables.

Sam Reyna Constable of Township 3, presented a power point presentation of a proposed budget for the county's five constables. He stated that each of the five constables would have a budget of up to \$4,300 annually to cover some of their costs. He stated that the total costs to the county would be \$21,500 annually, and that there is nothing in the law that states that it cannot be done.

DESCRIPTION	LINE ITEM	CONSTABLE 1	CONSTABLE 2	CONSTABLE 3	CONSTABLE 4	CONSTABLE 5	Total
PATROL UNIT	5941	?	?	?	?	?	?
FLEET LIABILITY	5590	300.00	300.00	300.00	300.00	300.00	1,500.00
FUEL AND OIL	5250	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	10,000.00
REPAIR PARTS	5311	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	5,000.00
TIRES, TUBES	5260	500.00	500.00	500.00	500.00	500.00	2,500.00
RESTRIPE AUTO		500.00	500.00	500.00	500.00	500.00	2,500.00
		4,300.00	4,300.00	4,300.00	4,300.00	4,300.00	21,500.00

County Attorney George Spence stated that he had been told by the Arkansas Association of Counties that the liability insurance Benton County receives through the association will not cover the constables. He added as far as having the old patrol units going to the constables, the county would still own the vehicles, and that they will have to explore to see what the options are.

Sam Reyna stated that the Sheriff had deputized the Constables which should resolve the liability questions.

Lengthy discussion was held on the legal status of the constables and the county's ability to provide vehicles and cover them with the county's insurance.

County Judge Robert Clinard stated that he did not know if the vehicles could be transferred, that whenever the county disposes of county property, it has to be done a certain way.

JP McKenzie stated that since the court has not funded the Constables before it seems like there are a lot of questions that need to be answered.

JP Sandlin asked that the Constables provide their mileage and any other additional expenses to the committee.

JP Carr stated that the best thing to do is to table this proposed request to give County Attorney George Spence time to resolve some of the issues.

Further discussion was held on the proposed budget and the additional expenses.

Centerton Mayor Bill Edwards stated that he wanted to show his support for the Constables' proposal and that they do a great job.

Garfield Mayor Laura Hamilton stated that she is in support of the Constables' program.

Sulphur Springs Mayor Bobby Simons stated that he is in support of the Constables' program.

JP K. Harrison made motion to table the Constable request until the March Public Safety Committee meeting to work out the details, seconded by JP McKenzie.

Motion passed by unanimous show of hands vote.

Discussion: Act 833 – Fire Service Turn-back Funding – Administrator of Public Safety, Marshall Watson

Marc Trollinger, Benton County Fire Marshall, stated that the Fire Protection Premium Tax Fund known as Act 833 Funds allows a portion of the insurance turn-back money to be distributed among all fire departments in the County. He stated that in January of 2013, the Intergovernmental Cooperation Council met and determined that those funds should be apportioned between the fire districts and municipalities within the county on a pro-rata basis. He stated that since Hiwassee has been annexed into Gravette, the Hiwassee Volunteer Fire Department could no longer receive a share of the Act 833 Funds. He stated that the City of Springdale had not received a portion of the funds in prior years, and

that it has been determined by the Intergovernmental Cooperation Council that Springdale should be included as a recipient for 2013 and future years.

Administrator of Public Services Marshall Watson stated that the Intergovernmental Cooperation Council determined that there would be an equal share to all departments. He stated that the Quorum Court of Benton County has to approve and uphold the decision by a resolution.

JP K. Harrison made motion to allow County Attorney George Spence to prepare a resolution to show that the Benton County Quorum Court supports the Intergovernmental Cooperation Council's decision for the distribution of the Act 833 Funds, and that the resolution be forwarded to the March 12, 2013 Committee of the Whole agenda, seconded by JP Adams.

Motion approved by unanimous voice vote.

Chair JP Carr called for a 10 minute recess.

Meeting reconvened.

Discussion: Emergency Medical Services (EMS)

County Judge Robert Clinard stated that two years ago, one of the Emergency Medical Service providers said that they would like to receive additional money for their ambulance service runs into the county. He stated that last year, the county commissioned a study to examine the cost of ambulance service to the unincorporated areas.

County Judge Robert Clinard stated that the City of Rogers has requested a letter of intent from the County Judge stating that it is the county's intention to fund the City of Rogers request for providing Emergency Medical Services (EMS) to the county. He added that the City of Rogers needs this intent letter by June of this year or they will consider halting EMS service.

Administrator of Public Services Marshal Watson stated that if we do not meet this verbal or written agreement by June of this year, they will obligate only one ambulance to go out of the city at any given time. He added that by January 2014, if the county does not establish any long term agreement with the City of Rogers, they will cut off service in the county.

JP Carr stated that he hated to use the word threaten, but let's be honest, this is a threat that if we do not do what they want, they are going to shut off services to the citizens of the county.

County Judge Robert Clinard stated that we need to move on with the agreements reached for 2013, and come to a decision on how to configure the ambulance service and how to pay for it.

JP Sandlin stated that she would be happy to move it forward, but by the same token there has got to be some legitimate reason for these numbers.

Lengthy discussion was held on the Emergency Medical Services (EMS) service costs presented by the City of Rogers and other cities to provide Emergency Medical Services (EMS) to county residents in the unincorporated areas.

JP K. Harrison made motion that County Attorney George Spence draft a letter of intent for the City of Rogers and present it to the March 12, 2013 Committee of the Whole, seconded by JP Meyers.

JP Sandlin stated we have a motion and a second for a letter of intent and called the question.

JP Carr called for the vote.

Motion passed by unanimous voice vote.

County Judge Robert Clinard stated that he had made the decision to go to each of the cities and ask them what they thought that they should charge the county for Emergency Medical Services (EMS). He stated that the results that he received were quite astounding and all over the page. He stated in the law, counties and cities can have a mutual agreement to contract for Emergency Medical Services (EMS) to the areas outside their boundaries. He stated there are no formulas, and no method to come up with a mutual agreement. He stated we are trying to do something that is not required by state law and that as a county we do not have to fund any ambulance service in unincorporated areas of Benton County.

County Judge Robert Clinard stated that there are four options for Emergency Medical Services (EMS): 1) not to provide Emergency Medical Services (EMS); 2) work with the providers that are providing the service and come to an agreement with them on how the county would fund them; 3) create an ambulance service that would be owned and operated by Benton County; 4) contract with a private carrier. He stated that funding the current providers would be the least expensive way to go.

Administrator of Public Services Marshal Watson presented a power point review showing the Benton County Emergency Medical Services (EMS) Districts in the county.

Marshall Watson reported that the subsidy requests for 2014 range from \$10,000 from Bella Vista, which reported 43 calls for service in the county in 2012, to \$416,422 from Siloam Springs, which reported 391 calls for service from the county in 2012. Bentonville is asking the county for \$60,000 in 2014, while Pea Ridge is seeking about \$25,000, Springdale is asking for \$68,774, and Gravette is asking for \$73,182. He added that the Northeast Benton County Fire Department (NEBCO) is asking the county to provide a subsidy of \$201,100 in 2014, and Rogers is seeking \$209,302 to cover it's costs in 2014.

Lengthy discussion was held on the Emergency Medical Services subsidy request costs from the cities for the Emergency Medical Services service to the unincorporated areas of Benton County.

JP Carr stated if a call is \$800, and the provider is receiving \$400 back from insurance, how can the county be expected to pay the full piece of that pie; how is that legal.

County Attorney George Spence stated that he did not see any inclination of any of these cities trying to make money off of the county. He stated that what the cities need from the court at this time is a decision about which direction the county is going to go, and then to negotiate the numbers.

Further discussion was held on working with the cities to come to an agreement on the costs they are charging the county for their Emergency Medical Services (EMS) calls.

JP Sandlin made motion to authorize County Judge Robert Clinard and Administrator of Public Safety Marshal Watson to continue negotiations and move forward with setting up Emergency Medical Services (EMS) as the model we have with the existing providers, and forward to the Committee of the Whole, seconded by JP McKenzie.

Marshal Watson stated that the revenue, expenditures, and the service districts are all independent issues, and that the county can facilitate changes.

Motion passed by unanimous show of hands vote.

Marshal Watson stated that a possible \$100 per household fee on the unincorporated areas of the county could raise nearly \$2 million, which could pay for the current system and provide money for improvements that could include additional ambulances, stations in rural areas and upgraded services.

Lengthy discussion was held on the possible funding methods including a millage increase dedicated to emergency medical service, another tax increase to pay for the ambulance, or possible \$100 per household fee.

County Judge Robert Clinard stated that he and Marshal Watson will continue to look for other possible funding methods, and will contact the eight providers to see what they have included in calculating their costs to provide the Emergency Medical Services (EMS).

Other Business

None

After motion and second the meeting adjourned at 8:48 p.m.